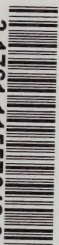





# Natural Resource Development in the Northwest Territories: Requirements, Procedures and Legislation

CA1  
IA380  
-1989  
N16

3 1761 11557648 0





Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

<https://archive.org/details/31761115576480>

CH1  
IA3  
-1989  
N16

# Natural Resource Development In the Northwest Territories: Requirements, Procedures and Legislation

Land Resources, Northern Affairs Program  
Indian and Northern Affairs Canada

December 1989

Published under the authority of the  
Hon. Pierre H. Cadieux, P.C., M.P.,  
Minister of Indian Affairs and  
Northern Development,  
Ottawa, 1989.

QS-8441-000-EF-A1  
Catalogue No. R72-210/1990E  
ISBN 0-662-17542-5

© Minister of Supply and Services Canada

L'information contenue dans cette publication peut  
aussi être obtenue en français sous le titre:  
Mise en valeur des ressources naturelles des territoires  
du Nord-Ouest-Exigences, procédures et législation

## Note:

The information contained in this book should be  
regarded as a general guide, up-to-date on the date  
of publication. For more information contact one of  
the Department of Indian Affairs & Northern  
Development offices listed at the end of this booklet.







# Contents

<b>3</b>	<b>Introduction</b>
<b>3</b>	<b>Purpose of the Book</b>
<b>4</b>	<b>Part 1 - Required Authorizations and Procedures</b>
4	Land Use
5	Inuvialuit Land Use
5	Water Use
6	Land Tenure (Leasing)
7	Quarrying
7	Lumbering
7	Mining
9	Oil & Gas Activities
<b>16</b>	<b>Part 2 - Required Review Processes</b>
<b>17</b>	<b>Part 3 - Pertinent Legislation</b>
17	Forests
17	Lands
17	Mining
17	Water
18	Oil & Gas
18	Inuvialuit Land Development
<b>19</b>	<b>Indian Affairs and Northern Development Northern Offices</b>

## Présentation

Cette publication porte sur les diverses autorisations requises pour l'exploitation des ressources naturelles des Territoires du Nord-Ouest et sur les différentes lois et procédures relatives à cette activité. Elle a été conçue de façon à ce qu'elle soit facile à suivre.

Dans la première partie, est énuméré et décrit l'ensemble des licences, des permis et des autres autorisations requises par toute personne ou entreprise qui désire entreprendre des projets d'aménagement aux Territoires du Nord-Ouest, qu'il s'agisse de la construction d'un chalet ou de l'exploitation d'une mine ou de l'installation d'un pipeline sur les terres de la Couronne ou dans la région désignée par la Constitution des Inuvialuit.

La deuxième partie explique, de façon détaillée, les types d'autorisations requises et les méthodes prévues pour soumettre une demande, ainsi que les divers organismes intéressés, dont l'Administration des terres des Inuvialuit.

La troisième partie décrit brièvement les lois et les règlements administrés par le ministère des Affaires indiennes et du Nord canadien, ou régissant ses activités.

# Introduction

The Northern Affairs Program of the Department of Indian Affairs and Northern Development (DIAND), charged with controlling development of natural resources except forests in the Northwest Territories, ensures that any such development is for the benefit of all Canadians and does the least possible damage to the environment and to the lifestyle of all northern residents.

When one considers that the Northwest Territories covers more than 34 per cent of Canada, yet has barely 52,200 inhabitants, it can be appreciated that the job of licensing and inspecting the many kinds of development activities is an immense one.

Several different pieces of legislation (acts of Parliament or sets of regulations), as well as a number of special cabinet directives set out the rules governing the many types of development in the North. These activities can range in scope from a single person out prospecting to the construction of a multi-billion dollar pipeline.

Major resource development proposals are subjected to a full social, economic and environmental review that includes extensive public consultation.

Northern residents can take part in the government decision-making process for almost all natural resource development activities that affect them or their environment. They can do this either individually or through their community and special interest groups.

In addition to the familiar federal and territorial jurisdictions north of 60°, on June 5, 1984, a new land administrator, the Inuvialuit, agreed to ownership of approximately 90,000 km<sup>2</sup> of land in the Western Arctic from the Government of the Yukon Territory, the Northwest Territories and Canada. The Inuvialuit Final Agreement (IFA) was enacted by the Western Arctic (Inuvialuit) Settlement Act 1984 and has significant implications for developers within a 435,000 km<sup>2</sup> area now known as the Inuvialuit Settlement Region (ISR).

In 1987, the Forest Resources Program of the Department of Indian Affairs and Northern Development transferred the responsibility for management of forest resources to the Government of the Northwest Territories. Readers are reminded that throughout this book references to the forest resource, including timber harvesting and fire control, imply that the Government of the Northwest Territories is the responsible resource manager.

A number of procedures are followed in order to involve northern residents. For example, land use permit applications may be referred to community and special interest groups for comment. Any recommendations they make are then considered by the Land Use Engineer from the Department of Indian Affairs and Northern Development.

In the case of applications for water use licences, a public meeting must be held by the Water Board in the community that will be most affected by the use of the water. These meetings must be advertised well in advance of the date they are to be held, and anyone can submit a written recommendation in advance or come to the meeting and speak to the members of the board. These opinions are reviewed by the members of the Water Board before a decision is made.

In addition, officers of Indian Affairs and Northern Development make frequent visits to communities throughout the Northwest Territories to find out, through meetings with councils, public meetings or talks with individuals, what northerners think about natural resource development.

## Purpose of the Book

The purpose of this book is to identify the authorizations required, the various procedures followed and the legislation applicable to northern natural resource development in the Northwest Territories in an easily followed format.

Part 1 of this book identifies and explains the various licences, permits or other types of authorizations a person or company requires for development in the Northwest Territories for everything from a cottage lot to a mine or pipeline on Crown land or on Inuvialuit land.

Part 2 contains descriptions of the review processes involved in northern natural resource development and explains the various organizations involved including the Inuvialuit Land Administration.

A brief description of the various acts and regulations administered by or governing the actions of the Department of Indian Affairs and Northern Development can be found in Part 3.



# Part 1 - Required Authorization and Procedures

A number of authorizations must be obtained before resource development may take place in the Northwest Territories. The chart on page 10 illustrates the activities covered by each class of permit.

## Land Use

In very general terms, a land use permit authorizes a person or company to carry out a specific land use operation at a specified place, during a stated period of time and subject to conditions designed to protect the environment.

The booklet "Territorial Land Use Regulations" is available from the DIAND regional or district offices, and will guide operators through the procedures to obtain a land use permit.

A few activities, including anything done by a resident of the Northwest Territories in the normal course of hunting, fishing or trapping, do not require a permit. These activities also include anything done in the normal course of prospecting or locating a mineral claim (providing no machinery is used), and operations on lands where the federal government has transferred or granted surface rights to another party.

Certain operations on Crown land in the Northwest Territories require either a Class A or a Class B land use permit, depending on the scope and the size of the area affected. Class A permits are required for all significant large operations, and any operations in areas of special sensitivity. They may be issued within ten days from the time of application; however, because the Department of Indian Affairs and Northern Development may wish to consult with other government agencies and groups, the Land Use Regulations provide for a period of up to 42 days from the time the application is received until the permit is issued or the applicant is informed why a permit will not be issued. Only rarely is a permit not issued.

Class B permits are for small operations and can be issued within ten days of receipt of the application, however, longer periods are often required.

## Land Use Permit Application Process

When an application for a land use permit is received by the Land Use Engineer, a comprehensive study is made. The following is an outline of each step in the

processing of an application. The numbers preceding each paragraph correspond to those along the top of the flow chart on page 11.

- (1) As soon as an application is received, it goes to the Land Use Engineer for review. The Engineer may consult with other experts inside and outside the Department of Indian Affairs and Northern Development to determine whether the application contains all the necessary information.
- (2) Within the first three days, the Land Use Engineer decides whether to accept the application or to reject it as incomplete and return it to the applicant for further information. If accepted, it is determined whether a Class A or a Class B permit is required. If a Class B permit is required, it may be issued directly by the Land Use Engineer.
- (3) If it is determined that a Class A permit is required, copies of the application and all relevant materials are forwarded to the Lands Advisory Committee, and the Department of Indian Affairs and Northern Development field office. Applications are also forwarded to community and special interest groups as well as affected native organizations.
- (4) Those individuals or organizations that received copies of the application submit their recommendations on environmental concerns to the Land Use Engineer.
- (5) The Land Use Engineer may issue a permit for a period not exceeding two years and subject to specific operating conditions; reject the application and return it to the applicant with a statement of the reasons for turning it down; or order further studies; postponing a final decision for up to one year.

In all cases where permits are issued, either Class A or B, comprehensive land use inspections are carried out during the operation and at its conclusion to ensure the operation has been conducted according to the conditions of the permit, and the site has been properly restored.

For projects in the following areas applications for land use permits should be submitted to the Department of Indian Affairs and Northern Development field offices indicated below:

Inuvik-Norman Wells District	District Manager Box 2100 Inuvik, Northwest Territories X0E 0T0
------------------------------	--



Yellowknife and Arctic  
Island's District

District Manager  
Box 2550  
Yellowknife, Northwest  
Territories  
X1A 2R3

Remaining areas in the  
Northwest Territories

Regional Manager  
Land Resources  
Box 1500  
Yellowknife, Northwest  
Territories  
X1A 2R3

General information about permits can be obtained at the above addresses, or at any of the Department of Indian Affairs and Northern Development offices listed at the end of this book.

## **Inuvialuit Land Use**

Permitting and licencing procedures for land use operations requiring access to or across Inuvialuit lands are administered by the Inuvialuit Land Administration. This land management system requires developers to examine, with the Inuvialuit, the need to enter into agreements concerning participation, access and cooperation. The chart on page 12 illustrates the various types of licences, permits and review processes that a developer may have to obtain. A developer should make early contact with the Inuvialuit Land Administrator who is located at:

P.O. Box 290  
TUKTOYAKTUK, Northwest Territories  
X0E 1C0

There are different fee schedules for licences and permits on the Inuvialuit lands and these must be confirmed by the developer. The chart on page 13 illustrates the application process from early planning to the permit issuance stage. The agreements with the Inuvialuit, as stated before, concern participation, access and cooperation. Participation agreements are required for projects needing commercial leases, land use permits, right-of-way agreements and well-site leases. Access agreements include payments to the Inuvialuit for compensation for access, property damage and land occupancy rent. The more general cooperation agreement outlines the terms and conditions of the parties doing business together.

## **Water Use**

A licence is required for any person, company, agency or municipality intending to use inland waters or deposit waste into water. Certain uses and rates of use are exempted from requiring a licence by the Northern

Inland Waters Act and Regulations. As well, the use of inland waters for emergency fire-fighting, flood control or for domestic purposes by a person owning or living on land adjacent to the waters does not require a licence. The only exemption is for deposit of domestic waste into water, if done so in accordance with the N.W.T. Public Health Ordinance.

A water licence sets out the specific conditions governing any large-scale use of inland waters in the Northwest Territories for industrial, agricultural, exploratory or municipal purposes (including waste disposal), to ensure that the quality of these waters is maintained at the highest possible level.

Licences are issued by the Northwest Territories Water Board, upon approval by the Minister of DIAND, under the authority of the Northern Inland Waters Act and Regulations. A licence can be issued for any time period up to 25 years.

Certain minor uses of water may not require a licence. The regulations exempt the following from licensing:

- a) municipal purposes by an unincorporated settlement or a construction camp;
- b) or water engineering purposes; or,
- c) any purpose not referred to in a) or b), at a rate not in excess of 50,000 gallons per day.

However, if waste is deposited into inland waters, regardless of the amount used, a licence may be required to cover the deposit.

## **The Water Use Licensing Application Process**

There is a formal review process between the time a water use application is received and a licence to use water is issued. The following is a summary of each step in the review process. The number preceding each paragraph refers to the numbers on the flow chart on page 14.

- (1) Applications are received by the Water Board.
- (2) If, after reviewing the application, a licence is required, and having determined that all the required information is on hand, the Water Board must publish a public notice in the Canada Gazette and local papers

reporting the nature of the licence applied for and inviting interested parties to submit briefs at a public hearing. All application documentation is made available to the public at various locations.

- (3) Prior to the public hearing, the application is given a technical review by the Water Board's Technical Advisory Committee.
- (4) A public meeting is held to discuss the application, usually at the community nearest the location of the proposed water use, unless there is absolutely no demonstrated public interest in the application.
- (5) The application is reviewed again by the Water Board's Technical Advisory Committee.
- (6) A meeting of the Water Board is held to determine whether to recommend that the licence be approved or turned down, and, if approved, what conditions shall be applied.
- (7) The Minister can either approve the licence and conditions as recommended by the Water Board or reject the licence and return it to the Board. He does not have the authority to alter the conditions.

Before any licence is issued, the applicant may be required to put up a security deposit of up to \$100,000, or 10 per cent of the capital cost of the project, whichever is greater. Department of Indian Affairs and Northern Development field staff inspect the project during construction and operation to ensure licence conditions are met.

### **Water Board and Committee Composition**

The membership of the Northwest Territories Water Board is made up of at least three persons named by the Commissioner in Council, and three representatives nominated by the federal Ministers of Indian Affairs and Northern Development, Environment, and National Health and Welfare. Appointments are made by the Minister of Indian Affairs and Northern Development. He also appoints a Chairperson and Vice-Chairperson from the current members.

### **Water Board Technical Advisory Committee**

The Northwest Territories Water Board Technical Advisory Committee is made up of members from government and industry who have expertise in various fields. The members are appointed by the Board and provide advice on technical matters. The committee is chaired by the Controller of Water Rights for the N.W.T.

### **Office**

For detailed information concerning the Northwest Territories Water Board and applications for licences, contact:

The Chairperson  
Northwest Territories Water Board  
P.O. Box 1500  
Yellowknife, Northwest Territories  
X1A 2R3

### **Land Tenure (Leasing)**

Whether it is a pipeline or a cottage in the wilderness, all development projects in the Northwest Territories have one thing in common: a need to use and occupy land.

Almost all land outside established communities is still held by the federal government as Crown or territorial land, and the normal practice is for the government to enter into agreements or leases for land with interested parties for a specific period of time. Administration of this land is the responsibility of the Department of Indian Affairs and Northern Development.

The following is an outline of the steps in the processing of most land tenure agreements or leases. The number preceding each paragraph corresponds to those on the flow chart on page 15.

- (1) When the application is submitted to the Department of Indian Affairs and Northern Development, office staff may conduct a preliminary review of the application and forward the application to the Regional Manager of Lands in Yellowknife for processing.
- (2) At this point, the application may be rejected because the proposed land use does not conform to government policy, or it may be returned to the applicant for amendment and re-submission.
- (3) Where the proposed land use meets the government requirements, the application is forwarded to the Lands Advisory Committee (LAC) for review by appropriate departments of both the federal and territorial governments.
- (4) The committee members forward their recommendations to the Regional Manager of Lands, DIAND.
- (5) The Regional Manager of Lands considers the LAC recommendations and may approve the agreement, approve it subject to modification by the applicant, reject it, or reserve a final decision until additional information is supplied.



## Quarrying

The quarrying of sand, gravel, stone, topsoil, peat and similar materials from federal Crown lands is regulated by permit issued under the Territorial Quarrying Regulations. Permits are valid for one year from the date of issue. They are issued free of charge to any resident to remove up to 50 cu. yards (38.22 m<sup>3</sup>) of sand, gravel or stone or 15 cu. yards (11.3 m<sup>3</sup>) of loam in any one year for private non-commercial use. Commercial users pay an application fee plus a royalty to the Crown for each cubic yard (0.75m<sup>3</sup>) of material quarried.

Further information concerning the regulations and areas where material may be quarried can be obtained from any of the field offices listed at the end of this booklet.

A booklet entitled "Environmental Guidelines: Pits and Quarries" is available at DIAND offices. It illustrates current pit and quarry practices which minimize impacts on the environment.

## Lumbering

Timber harvesting in the Northwest Territories is controlled by the Forest Management Act and the Forest Management Regulations administered by the Minister of the Department of Renewable Resources, Government of the Northwest Territories. Each person or company must obtain various permits and licences to cut a tree except for the following:

- a trapper, a hunter, a fisherman, a prospector who may cut a quantity of fuel wood, building logs or saw-timber while carrying out their activities;
- a person who cuts for his own use an annual volume of dead timber not exceeding 15 cubic metres;
- a person who may cut two Christmas trees not exceeding 5 metres in height;
- a person who transplants and transports trees may cut five trees each year for personal use; each tree not to exceed 5 metres in height;
- a holder of a lease or agreement for sale who may cut timber as necessary to fulfil the development conditions of the lease or agreement; or
- a person who needs timber to preserve their life or property.

Free timber permits are issued without payment of dues to:

- any resident to cut 60 m<sup>3</sup> stacked of fuel wood for his own use, 300 m<sup>3</sup> sawlogs or fence posts or 20 trees of any height for transplanting; and
- municipalities who may cut as much timber as they require for their own use.

Both licences and permits are issued. There is both a permit and a licence for timber cutting, a free timber cutting permit and a timber transport permit. In addition, licences are issued for scaling, operation of a mill, and research respecting forests. Also, a long-term development plan is required of a licensee and an operating plan may be required of the permit holder.

Reforestation may be a condition of the permit, licence or agreement. Deposits covering reforestation and performance are required and vary according to the timber product.

Further information concerning the Forest Management Act and Forest Management Regulations and locations where timber may be cut can be obtained from:

Director of Forest Management  
Department of Renewable Resources  
Box 1320  
Yellowknife, N.W.T.  
X1A 2L9

## Mining

In Canada, as in most countries of the world, ownership of a piece of land does not necessarily mean ownership of what lies under the surface. In the Northwest Territories the rights to minerals (as well as oil and gas) belong to the people of Canada, represented by the federal government.

The rights to explore for and eventually to mine these minerals are administered mainly under the Canada Mining Regulations in the Northwest Territories, through the Department of Indian Affairs and Northern Development. There are basically three steps involved:

1. Prospecting - Varying from one man with a hammer to a complicated airborne magnetometer search, complete with many different and expensive instruments for measuring changes in the earth, prospecting may be carried out by individuals or by companies.



2. Claiming - When a promising area has been discovered, claims may be staked and recorded.
3. Leasing - If work shows an area to be promising, the recorded holder of a claim may apply for a mineral lease giving him security of tenure for a 21-year period with the exclusive right to develop a mine. A surface lease may also be required to occupy Crown land.

Various areas are not open to prospecting, claiming and leasing, e.g. lands occupied by buildings which are in use, church or cemetery grounds, Indian reserves, national parks or areas reserved for the military or other specific government use. Details of these exceptions may be obtained from the appropriate Mining Recorder.

## **Prospecting**

### **Licences**

Prospector licences are required in the Northwest Territories to permit an individual or company to prospect and stake out mineral claims on unoccupied federal Crown lands. Licences obtainable from the Mining Recorder's office in Yellowknife are available to any individual 18 years of age or over for a fee of \$5.00, and to any company registered to do business in the Northwest Territories for a fee of \$50.00.

### **Permits**

Effective February 1st of each year, the Department of Indian Affairs and Northern Development's Yellowknife office issues prospecting permits that grant the holder the exclusive right to prospect a specified area. Applications for permits must be made to the Yellowknife Mining Recorder's office between December 1 and 31 of each year.

Permits cover an area of approximately 18,750 ha (45,000 acres) and are valid for a period of three years south of the 68th parallel and five years north of the 68th parallel. The three-year permits require permittees to spend 10, 20 and 40 cents in exploratory work for every acre (0.4 ha) specified in the permit during the first, second and third year respectively. The same amounts are required for the five-year permit during the first two-year period, second two-year period and final one-year period. Each year permittees are required to deposit a performance bond equal to the amount they must spend on exploration. Permittees may stake any number of mineral claims in their permit areas and they may relinquish their permits at the end of any year provided they have done the required work for each period.

## **Staking the Claim**

A four-post method is used to stake a claim. Posts must be placed at each of the four corners of a claim which must lie in a north-south direction, the "number one" post being at the northeast corner. Since "block staking" is allowed, each block of not more than 2,582.5 acres (1,046 hectares) must have legal boundary posts erected at intervals of not more than 458 m (1,500 ft.) along the perimeter of each claim. There is no limit to the number of claims a person may stake.

## **Recording the Claim**

Claims must be recorded with the Mining Recorder in Yellowknife within 60 days of the staking date. Recording fees are calculated at ten cents an acre (0.4 ha) based on the area estimated by the claim holder. The claim holder is provided with a copy of the recording documents. Identification tags must be placed on the four corner posts at the time of staking or before recording. These may be purchased from the mining recorder at \$1.00 per set.

## **Maintaining the Claim**

A claim is valid initially for two years; thereafter it can be maintained year-to-year if the claim holder annually performs representation work equal in value to the number of acres contained in the claim times \$2.00. Should the holder fail to perform the work, he may make a deposit with the Mining Recorder equal to the required work value and the deposit is refunded if the work is completed the following year. A claim holder must apply for a mineral lease by the end of the tenth year from the date the claim was recorded; if this is not done, the claim lapses.

The representation work is specified by law and can include geological, geophysical, and geochemical surveys, diamond drilling, trenching, shaft sinking and other underground work or specialized evaluations.

## **Leasing**

A claim must be leased after ten years or when production in excess of \$100,000 a year has been attained, but the claim holder may lease at any time provided \$10.00 an acre (0.4 ha) in exploratory work is completed and the legal survey is approved. Mineral leases are issued for 21-year periods with annual rentals at \$1.00 an acre for the original period and \$2.00 an acre for renewals.

The booklet "Land Use Guidelines: Mineral Exploration" is available from DIAND offices to assist miners to conduct work on claims while mitigating the environmental impact in accordance with the Canada Mining Regulations.

## **Oil and Gas Activities**

In the North, oil and gas rights are administered under the Canada Petroleum Resources Act (CPRA) by a joint administrative component of the Departments of Indian Affairs and Northern Development, and Energy, Mines and Resources known as the Canada Oil and Gas Lands Administration (COGLA). The Minister of Indian Affairs and Northern Development is responsible for the management of northern resources and the attainment of northern national objectives that encourage resource exploration and development in harmony with socio-economic benefits and environmental safeguards.

The booklet "Environmental Operating Guidelines: Hydrocarbon Well-sites in Northern Canada" provides current operational practices that afford environmental protection. It is available at DIAND offices.

Three forms of tenure for resource exploration and development are provided under the CPRA: the exploration licence, the significant discovery licence and the production licence. Transitional provisions for existing oil and gas rights set out in the former Canada Oil and Gas Act are left in place.

An exploration licence confers the right to explore for and the exclusive right to drill for oil and gas on the lands specifically described in the licence. Terms and conditions are written into every exploration licence. This licence has a maximum term of nine years and is non-renewable. Significant discoveries may be held under a significant discoveries licence which has an indeterminate term. The holder of either of these licences may not produce or sell oil and gas, but has the provisional right to obtain a production licence. A production licence confers the exclusive right to produce oil or gas and confers title to the oil or gas so produced, subject to payment of any applicable royalty to Her Majesty in right of Canada. A production licence may be renewed at the end of each ten year term, which commences with the first day of production.

To explore for or produce oil and gas it is necessary to obtain an operating licence under the Oil and Gas Production and Conservation Act (OGPCA). This licence is issued for a one year term, and must be obtained annually.

Prior to receiving permission to drill a well in the Northwest Territories or offshore, a company must follow the procedures outlined in the Canada Oil and Gas Drilling Regulations. Under these regulations, a company must apply to the Chief Conservation Officer (COGLA) in Ottawa for a Drilling Program Approval (DPA) of the broad aspects of a proposed offshore drilling program. DPAs are normally not required for onshore wells.

In order to obtain permission to drill each well, a company applies for an Authority to Drill (ADW) to the Regional Oil and Gas Engineer (COGLA) in Yellowknife. Next, the Regional Oil and Gas Engineer reviews the technical drilling proposal and sets well control and safety requirements. At the same time, under the Arctic Waters Pollution Prevention Act, DIAND's Assistant Director, Renewable Resources via the Arctic Waters Advisory Committee, reviews the environmental aspects of the project and recommends Environmental Operating Conditions (EOCs) to COGLA for offshore drilling operations. These conditions may be attached to the ADWs, land use permits, dredging authority or water use licences and permits issued by the regional office of DIAND.

## Development Project

### Authority

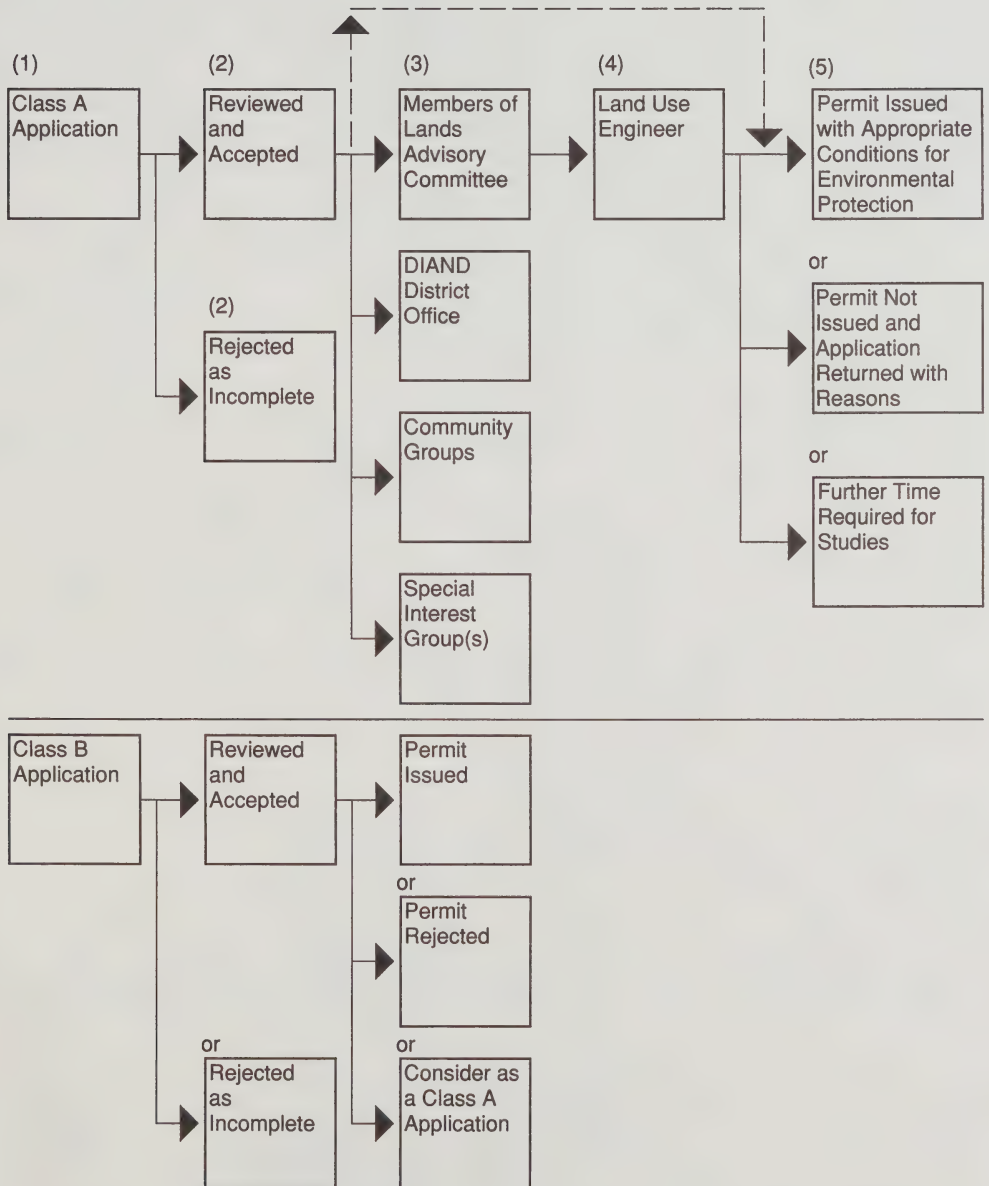
	Land Use Permit	Water Use Authorization or Licence	Drilling Authority	Land Tenure Agreement or Licences	Timber Permits & Licences	Quarrying Permit	Prospecting Permits
Airstrip	●	● *		● *		● *	
Cottage lot				●	● *		
Trail, road, highway	●	● *		● *		● *	
Hydro-electric development	● *	●		●			
Lumbering	● *	● *		● *	● 1		
Mine development and operations	●	●		●			●
Mineral exploration	●	● *					●
Oil & Gas operations:							
Offshore exploration well	●	●	●	● *		● *	
Onshore exploration well	●	●	●	●		●	
Pipeline	●	●		●			
Production well (onshore)	●	●	●	●			
Power line	● *			●	● *		
Research project	● *	● *					
Resort		● *		●			
Rock and gravel quarrying	●					●	
Seismic operation (onshore)	●	● *					
Staging areas	●	● *		● *			

\* May not be required

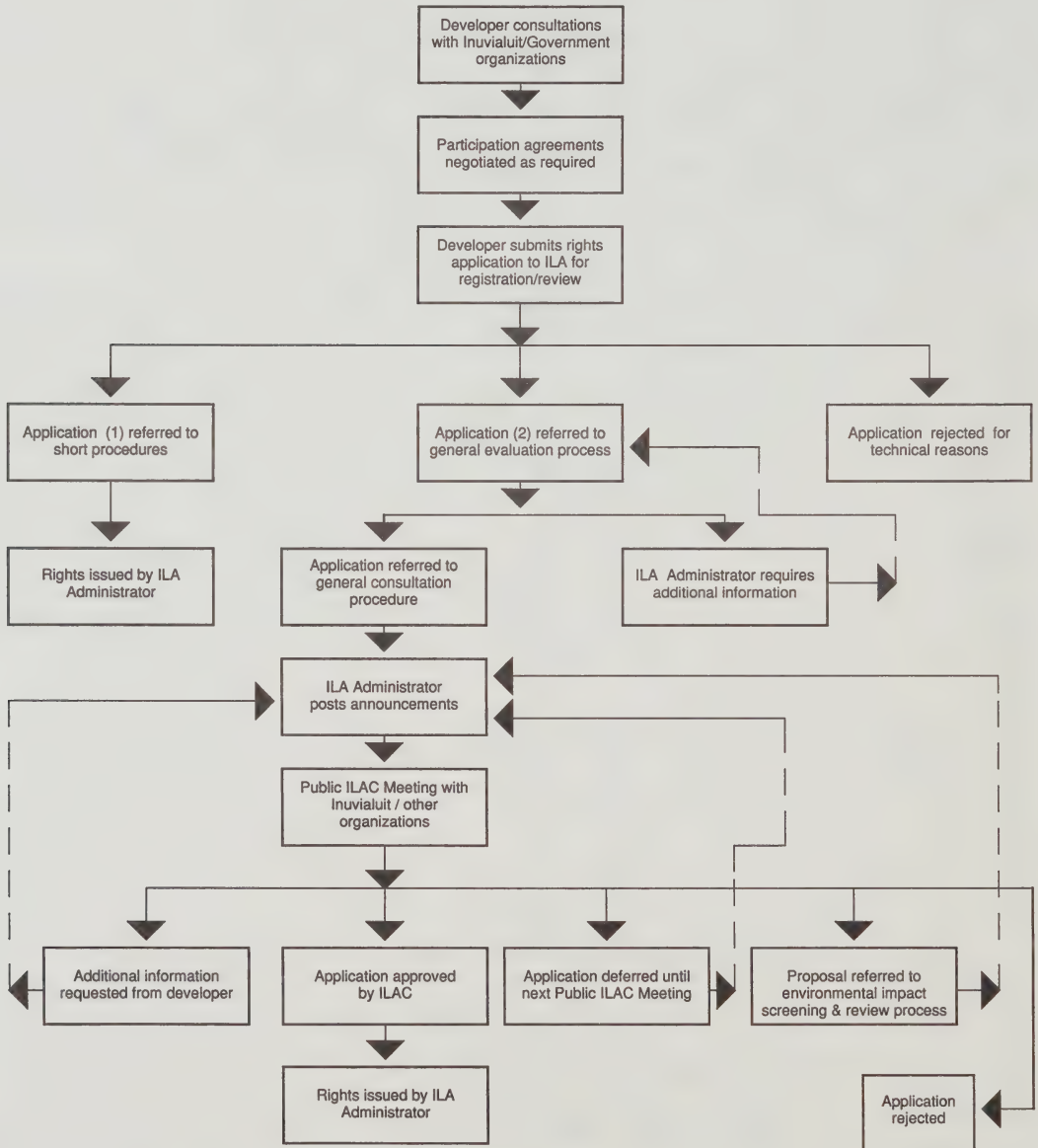
1) Administered by the Government of the Northwest Territories



# Land Use Application Review Process

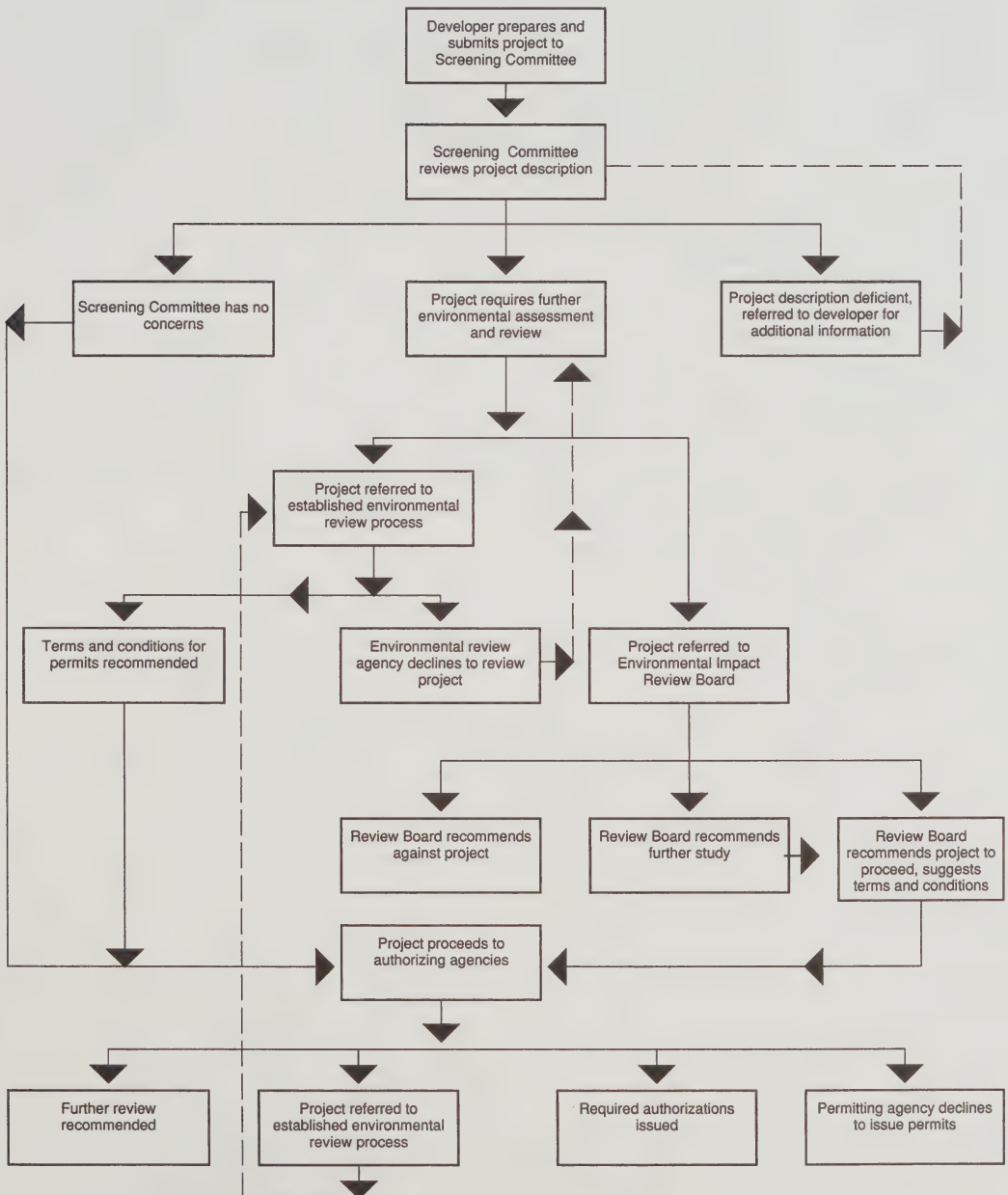


# Inuvialuit Land Administration Rights Approval Process



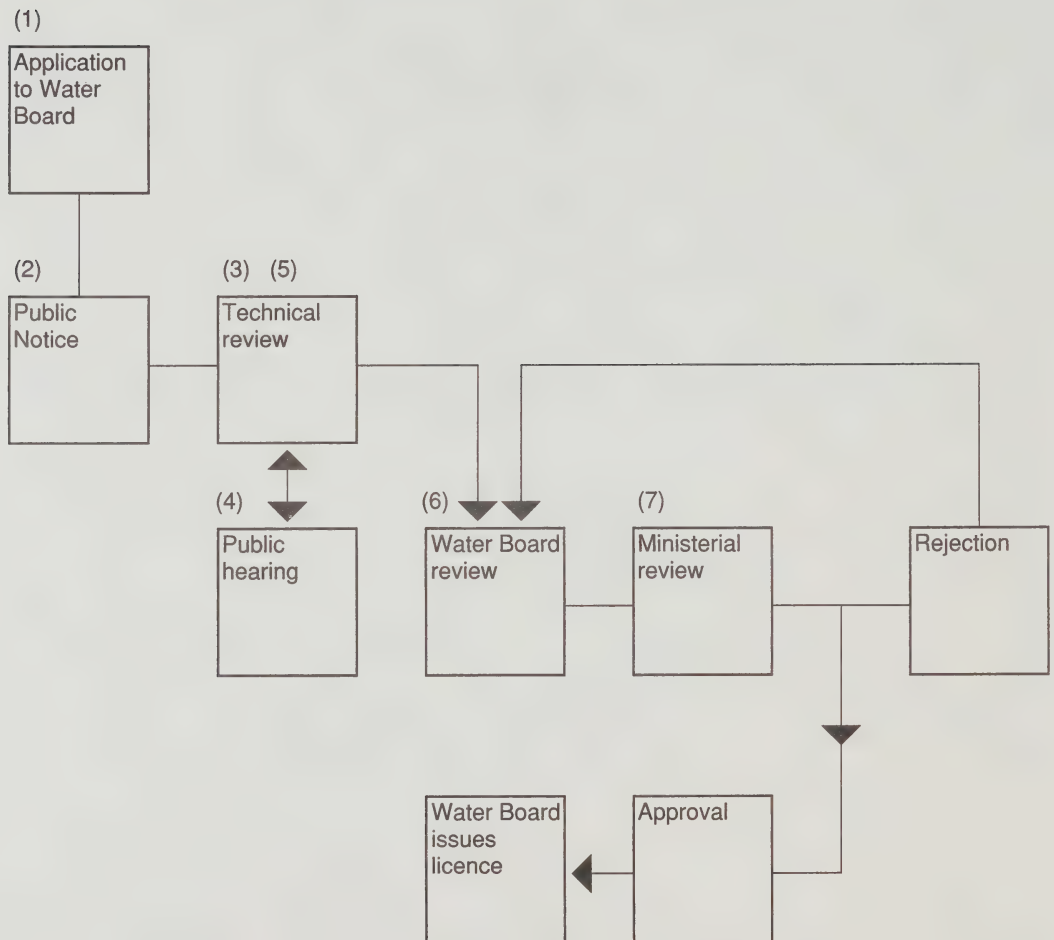
- 1) Application for Land Use Licence for small scale research (non-commercial).
- 2) All other applications

# Inuvialuit Settlement Region Environmental Impact and Review Process

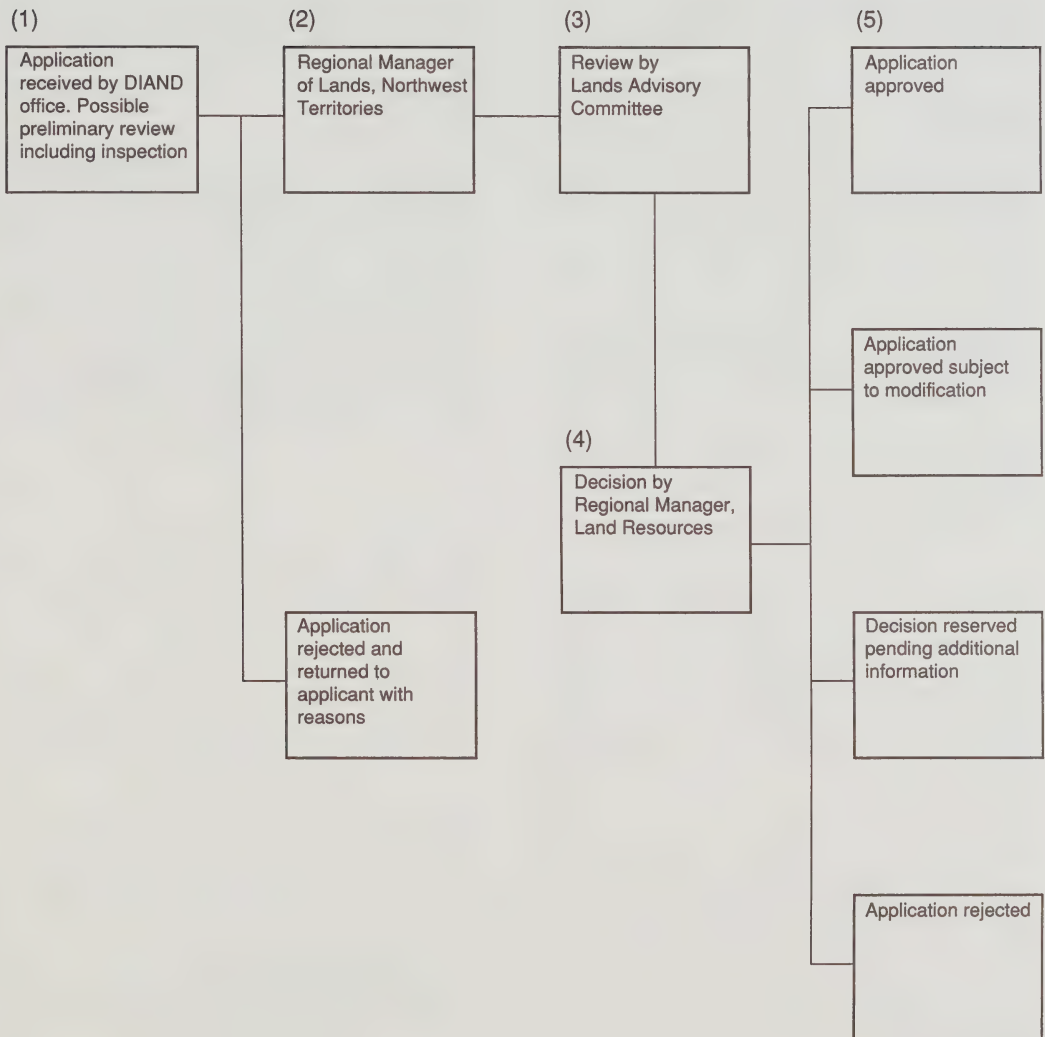




# Water Use Licensing Application Process



# Land Tenure Agreement Leasing of Crown Land



## **Part 2 - Required Review Processes**

Depending upon the nature and location of the project, certain interdepartmental review procedures may be required.

### **Interdepartmental Environmental Review Committee**

Interdepartmental Environmental Review Committee (IERC) co-ordinates a comprehensive interdepartmental review of the potential effects on the northern natural environment associated with each application for major resource exploration and/or development programs north of 60°. It is also responsible for establishing the environmental conditions for program approval procedures associated with such applications. Additionally, the IERC advises on deficiencies in environmental information on northern Canada, on the development of co-ordinated research programs, and on the adequacy of various regulations and guidelines that support the Department of Indian Affairs and Northern Development in carrying out its responsibilities for the northern natural environment.

### **Arctic Waters Advisory Committee**

Arctic Waters Advisory Committee (AWAC) advises the Department of Indian Affairs and Northern Development on matters relating to undertakings in Arctic waters, including the environmental operating conditions to be attached to drilling authorities for offshore drilling. As well, AWAC provides a point of contact among federal government agencies, territorial governments and industry on matters relating to offshore projects.

### **Regional Environmental Review Committee**

Regional Environmental Review Committee (RERC) reviews each application for major resource exploration to determine if the project should be handled by existing review processes or referred to the Federal Environmental Assessment and Review Office (FEARO) for a public review of the project under the Federal Environmental Assessment & Review Process (EARP) Order-in-Council.

### **Lands Advisory Committee**

Lands Advisory Committee (LAC) advises the Regional Manager of Land Resources of the Department of Indian Affairs and Northern Development on applications for lands and land use under the Territorial Lands Act. LAC

also provides a forum for federal, territorial and native interests to voice their concerns with respect to the administration of territorial land.

### **Environmental Impact Screening and Review Process**

All onshore and offshore developments within the Inuvialuit Settlement Region (ISR) are subject to review by the Environmental Impact Screening Committee (EISC). Projects outside of the ISR but with potential to create environmental impacts within it are also reviewed by the EISC. Developers are required to submit a project description following specific guidelines to the screening committee secretary. The screening and review process is illustrated on the chart on page 13. A project may be referred to other review agencies such as RERC or the Inuvialuit Environmental Impact Review Board (EIRB).



## Part 3 - Pertinent Legislation

The following is a description of the important acts and regulations governing the actions of land use operators in the Northwest Territories.

### Forests

Forest Management Act administered by the Government of the Northwest Territories governs the management, research activities and the procedures for permits, licences, applications, reports and agreements respecting the forests.

Forest Management Regulations provide the establishment of classes of permits and licences for harvesting timber. The regulations specify procedures and requirements for transporting timber, reforestation, silviculture programs. They also concern permits and licences to operate mills, designate forest management areas, record and bookkeeping, and scaling.

### Lands

Canada Lands Surveys Act governs the specifications regarding methods of survey, accuracy, stakes, and plans of survey relating to all legal surveys of federal Crown land made under the instructions of, or subject to, the approval of the Surveyor General.

Land Titles Act and Regulations govern the procedures for registering, recording and transferring documents related to titled lands in the Northwest Territories, through land titles offices. The regulations specify that a land titles office be located in Yellowknife.

Public Lands Grants Act provides for the disposition of Crown lands not covered under the Territorial Lands Act or other legislation. Leasing of offshore land under the Arctic Ocean, for such purposes as construction of artificial islands, is done under this act.

Territorial Lands Act provides for the administration and protection of northern Crown lands all of which are under the direct control of the Minister of Indian Affairs and Northern Development.

Territorial Land Use Regulations provide for the issuance of land use permits controlling all activity involving the use of heavy vehicles, establishment of large camps, extensive use of explosives and clearing of lines, trails and rights-of-way. Such activities include all well drilling, seismic operations, mineral exploration, and construction of access roads.

Territorial Lands Regulations provide procedures for the sale or lease of territorial lands and set out the applicable fees.

Territorial Quarrying Regulations govern the use of Crown owned limestone, granite, slate, marble, gypsum, loam, marl, gravel, sand, clay, volcanic ash, or stone on territorial lands in the Northwest Territories. The regulations specify lease requirements, permits, applications, fees and royalties, and other procedures.

### Mining

Canada Mining Regulations govern the disposition of Crown-owned minerals. The regulations specify licence requirements, marking and recording of claims, work performance, lease rentals and production royalties, and other procedures.

Territorial Dredging Regulations govern the disposition of rights to dredge for minerals in the beds of rivers.

Territorial Coal Regulations govern the disposition of rights to coal in the Northwest Territories.

Mine Safety Ordinances and Rules set out standards of safety for mining operations in the Northwest Territories. They also provide controls for underground blasting operations, and storage and handling of explosives.

Explosive Use Ordinance provides controls for surface blasting other than for mining purposes (for example, seismic surveys).

### Water

Northern Inland Waters Act and Regulations provide for the conservation, development and use of the water resources of the Northwest Territories, and for the establishment of Water Boards to licence all such water usage and waste disposal.

Arctic Waters Pollution Prevention Act and Regulations govern development and shipping activity in Arctic waters adjacent to the mainland and islands of the Canadian Arctic, to ensure the continuing welfare of the residents of the area, and to protect the ecological balance in water, ice and land areas.

Dominion Water Power Act and Regulations apply to any water power facilities on public lands that are the property of Canada. The legislation governs two activities:

the administration of existing developments and the survey and investigation of undeveloped water power.

## **Oil and Gas**

Canada Petroleum Resources Act provides for the administration of rights to search for and take oil and gas from Canada lands, that is, the Northwest Territories and offshore areas under federal jurisdiction and for the payment to the Crown of fees, rentals, royalties and other related revenues.

The Oil and Gas Production and Conservation Act (OGPCA) provides broad authority for the regulation of all activities associated with drilling, production and conservation of oil and gas in the Northwest Territories and in offshore areas under federal jurisdiction.

Under the Oil and Gas Production and Conservation Act these regulations provide for the control of drilling operations, the prevention of pollution and the safety of personnel directly involved with wellsite operations.

## **Inuvialuit Land Development**

Under the Inuvialuit Final Agreement operators who wish to work within the Inuvialuit Settlement Region (ISR) may be required to seek approvals and licensing from both the Department of Indian Affairs and Northern Development and the Inuvialuit Land Administration. Its basic goals include preservation of Inuvialuit cultural values, enabling the natives to participate in economic development and protection of the environment and renewable resources.

**Indian Affairs and  
Northern Development  
Northern Offices**

**Northwest Territories**

Regional Manager, Land Resources  
DIAND  
Box 1500  
Yellowknife, N.W.T.  
X1A 2R3

Resource Management Officer  
DIAND  
Box 1420  
Hay River, N.W.T.  
X0E 0R0

District Manager  
DIAND  
Box 2100  
Inuvik, N.W.T.  
X0E 0T0

District Manager  
DIAND  
Iqaluit, N.W.T.  
X0A 0H0

District Manager  
DIAND  
Box 150  
Fort Simpson, N.W.T.  
X0E 0N0

District Manager  
DIAND  
Box 2550  
Yellowknife, N.W.T.  
X1A 2R3

District Manager  
DIAND  
Box 658  
Fort Smith, N.W.T.  
X0E 0P0

Resource Management Officer  
DIAND  
Box 126  
Norman Wells, N.W.T.  
X0E 0W0

District Manager  
DIAND  
Rankin Inlet, N.W.T.  
X0C 0G0













